



December 10, 2009

Sustainable Communities Planning Grant and Incentives Program  
c/o The Department of Conservation  
Office of Sustainability  
801 K Street, MS 24 -01  
Sacramento, CA 95814

Dear Members of the Council,

On behalf of California Rural Legal Assistance Foundation and PolicyLink, we are writing to offer our comments on the draft guidelines and application for the Strategic Growth Council's Sustainable Communities Planning Grant and Incentives Program.

Proposition 84's infusion of nearly \$60 million to fund planning activities in California is a unique opportunity. Leveraged well, these funds can advance planning efforts to ensure that all California communities are able to realize their full potential as healthy, sustainable and economically viable places. It is rare that the state assists local and regional planning in this manner, and we strongly urge that these funds---as limited as they are--- are focused in a manner that fully captures this opportunity.

In order to accomplish this, it is critical that these funds are focused on supporting planning activities that have not, and likely will not, occur without this investment from the State. The guidelines should be more focused to ensure that we incentivize this kind of unique planning and direct these limited resources to those communities most in need of planning assistance. Specifically, the funding guidelines must be modified in three key ways:

1. Increase prioritization of planning for neglected disadvantaged communities;
2. Ensure equitable regional and statewide distribution of funding; and
3. Require and incentivize robust public processes.

Prioritizing the distribution of funds in this manner, will ensure that communities throughout California are able to capture the opportunity created by this funding and will engage in land use planning that reduces greenhouse gas emissions, promotes equity, improves public health, and meets the other planning goals of AB 32, Prop. 84, and SB 732 including the Section 38565 of the H&S code that ensures that the most disadvantaged communities in California be provided the opportunity to participate and benefit from statewide efforts to reduce greenhouse gas emissions, in this instance planning to make their communities more sustainable.

We have attached to this letter a mark up of our suggested changes to the guidelines. The following is an explanation of these suggested changes.

***Increase priority for planning for neglected disadvantaged communities.***

Across California there are hundreds of disadvantaged unincorporated neighborhoods geographically surrounded by, or at the fringes of, cities and towns but excluded from services that reach their neighbors. Predominantly low-income Latino and/or African American residents of these areas often live without the most basic features of a safe and healthy environment—services like clean water, sewage lines, storm drains, streetlights, sidewalks and safe housing.

These neighborhoods have been systematically excluded by growing cities, are underserved in the overall allocation of resources, and are frequently left out of local planning processes. They are, in a sense, “super-infill” communities, communities that provide unique opportunities for infill development. Many exist within the urban footprint, but infrastructure and community service deficits hinder their ability to accommodate the additional growth that would allow for smarter and more compact development. Instead, growing cities accommodate growth in a less sustainable manner, by expanding out and around these communities. In turn, limited infrastructure investments are directed away from existing communities and unsustainable and unhealthy development patterns are perpetuated.

Residents of these communities are left behind. Without incentives to plan for their needs, the cities that surround them and the counties that ostensibly serve them, simply ignore their needs. Sewer service, sidewalks, and storm drainage—are not provided because there is no plan to provide them.

Because new greenfield development will always be easier than tackling the difficult task of bringing services to low-income island and edge communities, this kind of planning is unlikely to occur without incentives from the State. These communities are an example of the type of unmet planning needs that should be the primary target of the Planning Grant and Incentives Program. Prioritizing planning grant funding to include planning for the needs of these disadvantaged communities would provide a necessary incentive to plan for addressing their long-neglected needs.

To accomplish this, we offer the following recommendations:

- **Increase the points for serving disadvantaged communities.** While we applaud the staff for recognizing the need to prioritize disadvantaged communities, as written the guidelines do not go far enough. Because these communities are so far behind, and because cities and counties have been so reluctant to plan for the needs of these communities, an increase in the points for serving disadvantaged communities is necessary to provide the incentives necessary to make this planning happen.
- **Prioritize funding for planning that will include a focus on connecting low-income people to education, economic opportunity, and services.** While there is a growing body of research that illustrates that low-income people and people of color are the most likely to use public transit, current transportation and land use planning processes often overlook this fact. As a result, communities frequently lack the transit services necessary to connect them to opportunity and services, and planning processes miss opportunities to reduce Vehicle Miles Traveled (VMT). Priority should be given to proposals that include this focus on connecting low-income people.

- **Provide the most money to those communities most in need.** We recommend that the funding under this program be prioritized for those communities that are most in need, by providing more funding to those plans that serve the most disadvantaged communities.

***Ensure equitable regional and statewide distribution of funding.***

The guidelines should ensure that funding is distributed equitably across the state and within regions and that smaller communities within each region remain competitive. As written, the guidelines favor larger urban areas that are already well-advanced in their efforts to develop plans to reduce greenhouse gas emissions (GHG). We are concerned that this tilt will direct limited financial resources to planning efforts that are already likely to occur, and will leave behind jurisdictions that desperately need assistance to engage in the planning envisioned by AB 32 and SB 375.

We suggest the following changes to meet this objective:

- **Establish criteria that ensures equitable funding distribution.** Establish criteria, similar to those used to distribute other voter-approved bond funds, that ensures equitable geographic distribution and allows smaller communities to remain competitive.
- **Waive or modify the supplemental funds priority for disadvantaged communities.** This priority will make smaller disadvantaged communities less competitive in the funding program. Many of these communities have serious needs but lack the political attention or economic capacity to attract additional public or private investments. As a result, they will automatically be at a disadvantage when applying for these funds.
- **Make GHG reduction a co-equal factor.** The guidelines require that any funded planning activity must demonstrate a GHG reduction outcome. It is unclear how this factor is weighted or the extent of reduction that is needed to meet this threshold requirement. However, it is unlikely that rural and small communities will be able to compete on this factor with larger cities, counties and COGs that have already invested in blue-print planning and GHG-reduction modeling. The guidelines should make this factor equal with the other planning priorities identified in SB 732

**Improve the public process.** The guidelines should require and encourage public input from grantees prior to their submission of an application for these funds and throughout the duration of the planning process. Timelines for the application should accommodate community notice, participation and feedback on proposed actions for the planning. Such a requirement will help inform decision makers of the communities' priorities and encourage proposals and plans that have the support and "buy-in" of the communities that they will serve.

Thank you for considering our comments.

Sincerely,

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